

HOUSE BILL No. 1183

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-15.

Synopsis: Operation of watercraft. Allows the natural resources commission to exempt a lake containing more than 45 acres (rather than 70 acres) from the 10 miles per hour speed limit. Allows a petition for an exemption to be issued for a boat race or water ski event. Specifies that water ski events include events with water sleds, aquaplanes, and similar objects.

Effective: July 1, 2005.

Leonard, Adams T

January 6, 2005, read first time and referred to Committee on Natural Resources.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1183

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-15-3-11 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) The commission
3 may adopt rules under IC 4-22-2 to exempt a small lake containing
4 more than ~~seventy (70)~~ **forty-five (45)** acres from section 10 of this
5 chapter if the following conditions exist:

6 (1) A majority of the abutting property owners petitions the
7 commission as provided in this section.

8 (2) An unreasonable hazard to persons would not result.

9 (3) An unreasonable harm to fish, wildlife, or botanical resources
10 would not result.

11 (b) A petition under this section must specify one (1) of the
12 following periods for exemption from section 10 of this chapter:

13 (1) Each day of the week (Sunday through Saturday) from 1 p.m.
14 to 4 p.m. (local time prevailing).

15 (2) Monday, Thursday, and Saturday from 1 p.m. to 4 p.m. (local
16 time prevailing).

17 (3) Saturday from 1 p.m. to 4 p.m. (local time prevailing).



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(4) Each day of the week (Sunday through Saturday) from sunrise to sunset if the small lake is owned, leased, or operated in whole or in part by a political subdivision (as defined in IC 36-1-2-13).

(5) Each day of the week (Sunday through Saturday) from sunrise to sunset if the small lake is connected by a natural channel to a lake having a surface area of more than three hundred (300) acres.

(6) For the specific dates and times specified in a permit for a boat race or water ski event issued under IC 14-15-5.

(c) The commission may not establish a period that deviates from the period requested in the petition. However, the commission may adopt rules to establish restrictions for the safe operation of watercraft if unusual conditions or hazards would otherwise result by granting the exemption.

(d) The commission may adopt rules under IC 4-22-2 to rescind or amend an exemption granted under subsection (a) if:

(1) a majority of the abutting property owners of a small lake that has been exempted under this section petitions the commission in substantial accordance with the appropriate corresponding requirements of subsection (f) to rescind the exemption; or

(2) the commission determines that because of the exemption:

(A) there is an unreasonable hazard to persons; or

(B) unreasonable harm to fish, wildlife, or botanical resources is occurring.

(e) Before the adoption of a rule under subsection (a), the commission must certify that the petition represents a majority of the abutting property owners. A determination under this subsection is subject to IC 4-21.5.

(f) A petition under this section must be in the following form:

To the State of Indiana

Department of Natural Resources

The undersigned, all owners of abutting property to (name of lake) and situated in _____ County, Indiana, petition the department to post time periods exempting (name of lake) from speed limits as specified in IC 14-15-3-10 as follows:

(Petition to specify one (1) of the time periods listed above.)

We certify that, according to land and water acreage maps on file with the department or certified survey attached, (name of lake) is less than three hundred (300) acres and more than ~~seventy (70)~~ **forty-five (45)** acres, as specified in IC 14-15-3 and that the signatures listed on this petition represent a majority of bona fide property owners of abutting property of (name of lake), as recorded in the office of the county recorder of (name of county). The department may verify the

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validity of the signatures. We also understand and agree that this petition, when certified, may not be changed or altered within two (2) years from the date of the certification, **unless the petition is for a boat race or water ski event.**

Signed _____

_____ Lake Property Address

Date

SECTION 2. IC 14-15-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) **Except for a petition for a boat race or water ski event**, a petition filed **under section 11 of this chapter** by a majority of the abutting property owners of a small lake continues in effect and may not be rescinded by a subsequent petition to amend, alter, or abolish for two (2) years from the date of certification of the last filed petition.

(b) To amend, alter, or abolish an existing certified petition a majority of the abutting property owners of the small lake must petition the department.

(c) The commission may adopt rules under IC 4-22-2 to rescind or amend an exemption granted under section 11 of this chapter if:

(1) a majority of the abutting property owners of a small lake that has been exempted under section 11 of this chapter petitions the commission in substantial accordance with the appropriate corresponding requirements of subsection (d) to rescind the exemption; or

(2) the commission determines that because of the exemption:

(A) there is an unreasonable hazard to persons; or

(B) unreasonable harm to fish, wildlife, or botanical resources is occurring.

(d) A petition under this section must be in the following form:

To the State of Indiana

Department of Natural Resources

The undersigned, all owners of abutting property to (name of lake) and situated in _____ County, Indiana, petition the department to (amend) (abolish) an existing petition as follows:

(Insert desired action)

We certify that the signatures listed on this petition represent a majority of the bona fide property owners of abutting property of (name of lake), as recorded in the office of the county recorder of (name of county). The county auditor of the county in which the property is located shall verify the validity of the signatures before the petition is presented to the department. We also understand and agree that this

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petition, superseding all existing and prior petitions, when certified, takes effect immediately, and a subsequent petition may not be filed for two (2) years from the date of certification, **unless the petition is for a boat race or water ski event.**

Signed _____

_____ Lake Property Address

Date

(e) Upon rescission of a prior petition, the department, as soon as practicable, shall remove all existing postings on the lake.

(f) It is the intent of this section to avoid confusion to lake users that might result from frequent changes in posting and unnecessary expense to the department in erecting and removing postings more often than every two (2) years.

SECTION 3. IC 14-15-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. A person may not sponsor, conduct, or hold a:

(1) boat race; or

(2) water ski event, **including events with water sleds, aquaplanes, or similar objects;**

upon public water, including ice, unless a permit for a boat race or water ski event has been issued by the department. A person who has been issued a permit may not violate or fail to comply with a condition upon which the permit has been issued.

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